

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>CHASE BANK USA, N.A.,</b>	:	
	:	
Plaintiff,	:	
	:	
<b>v.</b>	:	<b>Civil Action 2:06-CV-12</b>
	:	
<b>CHAD WICKLINE, et al.</b>	:	Judge Edmund A. Sargus, Jr.
	:	
Defendants.	:	Magistrate Judge Norah McCann King

**ORDER**

This matter came before the Court on the Motion of Plaintiff Chase Bank USA, N.A. (“Chase Bank”) for Partial Summary Judgment against Defendant Mark Browning (“Mr. Browning”) filed September 8, 2008 (Doc. # 70), and the accompanying Memorandum in Support (Doc. # 71) of the Motion. Chase Bank supported its Motion with the deposition testimony of Mr. Browning, the guilty pleas of Chad Wickline and Dan Wickline, numerous bank statements, and the Affidavit of Anthony S. Demczak, a Chase Bank Business Analysis Group Manager which detailed Chase Bank’s damages.

Mr. Browning, acting *pro se*, filed a Motion for Extension of Time in which to respond to the Motion for Partial Summary Judgment (Doc. # 72). The Court granted Mr. Browning’s requested extension and Mr. Browning’s response date was set for November 28, 2008. (*See* Order filed October 31, 2008, Doc. # 81.) The Order specifically provided that, consistent with Federal Rule of Civil Procedure 56(e), if Mr. Browning did not respond to the Motion, judgment could be entered against him, and that “the facts stated in the affidavits or other papers submitted in support of the plaintiff’s motion will be accepted as true by the Court.” (Doc. # 81, filed


10/31/08, p. 1.) It has been more than eight (8) months since the date for Mr. Browning's response has past, and Mr. Browning has failed to file a response.

After a review of Chase Bank's Motion for Partial Summary Judgment, a review of its Memorandum in Support of the Motion and the attached exhibits and evidentiary materials, the lack of any response by Mr. Browning, and for good cause shown, the Court concludes that Chase Bank has sufficiently shown its entitlement to partial summary judgment and that its Motion is well taken. Accordingly, it is hereby **ORDERED**:

Pursuant to Federal Rules of Civil Procedure 56(a) and 56(e), Plaintiff Chase Bank USA, N.A.'s Motion for Partial Summary Judgment against Defendant Mark Browning on Count One of its Complaint alleging a civil claim under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 *et seq.*, is hereby **GRANTED**. Defendant Mark Browning is liable to Plaintiff Chase Bank USA, N.A. for \$817,355 in damages, and for "threefold the damages" sustained pursuant to 18 U.S.C. § 1964(c). Accordingly, on Count One of the Complaint, Defendant Mark Browning is liable to Plaintiff Chase Bank USA, N.A. for \$2,452,065 in damages (*i.e.*,  $\$817,355 \times 3 = \$2,452,065$ ).

**IT IS SO ORDERED.**

8-6-2009  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Edmund A. Sargus, Jr.  
United States District Judge